

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAWMAN ARMOR CORPORATION,	:	
	:	
Plaintiff,	:	Case No. 2:02-CV-04595-RK
	:	
v.	:	Judge Robert Kelly
	:	
WINNER INTERNATIONAL, LLC, and	:	
WINNER HOLDING LLC,	:	
	:	
Defendants.	:	
	:	

**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT OF EQUITABLE ESTOPPEL**

Defendants, Winner International, Inc. (f/k/a/ Winner International, LLC) and Winner Holding LLC (collectively "Winner"), hereby move for entry of summary judgment holding that Winner has established its defense of equitable estoppel; enjoining plaintiff, Lawman Armor Corporation ("Lawman"), and any successor owner of U.S. Patent No. Des. 357,621 ("the '621 design patent") from asserting the '621 design patent against Winner, any customers of Winner, and any affiliates of Winner; and dismissing the complaint in this action with prejudice.

This motion is made pursuant to Fed. R. Civ. P. 56 on the ground that there is no genuine issue as to any material fact concerning Winner's equitable estoppel defense and that Winner is, as a matter of law, entitled to summary judgment.

This motion is based upon the concurrently filed Defendants' Memorandum in Support of Motion for Summary Judgment of Equitable Estoppel; Declarations of Karen Winner Hale, John F. Hornbostel Jr., and Philip J. Moy Jr. filed in support of the motion; the pleadings and papers

on file in this action; and such additional evidence and argument as may be presented to the Court at a hearing of the motion. A proposed Order granting the motion also is being submitted.

WHEREFORE, Winner respectfully requests that this Court grant its motion for summary judgment of equitable estoppel.

Respectfully submitted,

Date: \_\_\_\_\_

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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2004, a copy of the foregoing **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OF EQUITABLE ESTOPPEL** was served via messenger on the following attorney for plaintiff:

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